F.O. 881/7507

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EAST AFRICA PROTECTORATE.

NOTICE.

THE following Regulations made by His Majesty's Commissioner and Consul-General for the East Africa Protectorate, and allowed by the Secretary of State, are published for general information.

(Signed) C. ELIOT,
His Majesty's Commissioner and Consul-General.

Mombasa, April 1, 1901.

King's Regulations, under Article 45 *of "The East Africa Order in Council,* 1897," *and Article* 11 *of "The East Africa Order in Council,* 1899."

No. 5 of 1901.

Building Regulations.

1. Every person who may intend

(*a.*) To erect a building,

(*b.*) To make any addition to a building,

(*c.*) To make any alterations or repairs to a building involving the removal or re-erection of any external wall or party-wall thereof, or of any wall which supports the roof thereof, to an extent exceeding one-half of such wall above the ground level, such half to be measured in superficial feet,

(*d.*) To remove or reconstruct any portion of a building abutting on a street which stands within the regular line of such street,

shall give to the Collector notice of his said intention so to do on a form obtained for this purpose in the office of the Inland Revenue Department, specifying the position of the building intended to be erected, the description of the building, the purpose for which it is intended to be erected, and its dimensions.

2. "To erect a building" means to newly erect a building, to re-erect any building the masonry of which is pulled down to the plinth, or to convert into a dwelling-house any building not originally intended for human habitation, or to convert into more than one dwelling-house a building originally constructed as one

dwelling-house, and a building so erected, re-erected, or converted is called a new building.

3. At any time within thirty days after the receipt of any notice under Article 1, the Collector may, by written notice, require the person who has given the notice to furnish the Collector with all or any of the following documents:—

(*a.*) Plans and sections of floors of the intended building, which shall be drawn to a scale of not less than 1 inch to every 8 feet, and shall show the position, form, and dimensions of the several parts of such building, and of every water-closet, privy, urinal. cesspool, well, and other appurtenance, and, in the case of a building intended as a dwelling-house for two or more families, or for carrying on any trade or business in which a number of people exceeding twenty may be employed, or as a place of public resort, the means of ingress and egress.

(*b.*) A description in writing of the materials of which it is intended that the building shall be constructed, of the thickness of the walls and roof and of the intended mode of drainage, means of water supply and means of ventilation, and other information which the Collector may deem necessary.

4. If the notice given under Article 1 and the documents furnished under Article 3 do not supply all the information which the Collector may deem necessary to enable him to deal satisfactorily with the case, the Collector may at any time within fifteen days after receipt of the said documents by written notice require the production of such particulars and details as he deems necessary.

5. If any requisition made under Article 4 is not complied with, the notice given under Article 1 shall be deemed not to have been given.

6. If within thirty days after receipt of any notice under Article 1, or of the plan, section, description or further information, if any, called for under Article 3 or 4, as the case may be, the Collector fails to intimate iu writing to the person who has given the said notice his disapproval of the building, which the said person proposes to erect or of the work which he proposes to execute, or if within the said period the Collector signifies in writing to the said person his approval of the said building or work, the said person may at any time, within one year from the date of the delivery of the notice to the Collector, proceed with the said building or work in accordance with his intention as described in the notice or in any of the documents aforesaid, but not so as to contravene any of the provisions of these Regulations or any amendments thereof for the time being in force.

7. If the Collector disapproves of any building or work of which notice has been given as aforesaid, or of any portion or detail thereof, by reason that the same will contravene some provision of these Regulations or will be unsafe, he may at any time within thirty days of the receipt of the notice or of the plan, section, description or further information, if any, called for under Article 3 or 4, as the case may be, by written notice intimate to the person who gave the notice his said disapproval and the reason for the same, and prescribe terms, subject to which the building or work may be deemed to be approved by him.

8. The person who gave the notice concerning any such building or work may proceed with the same, subject to the terms prescribed as aforesaid, but not otherwise, at any time within one year from the date of receipt by him under Article 6 of the written notice in this behalf, but not so as to contravene any of the provisions of these Regulations.

9. No person shall begin to erect any building or to execute any such work as is described in Article 1 until he has given notice of his intention, as hereinbefore required, to erect such building or execute such work, and the Collector has either intimated his approval of such building or work or failed to intimate his disapproval thereof within the period prescribed in this behalf.

10. If a person who is entitled to proceed with any building or work under Article 6 or 8 fails to do so within the period of one year prescribed in the said Articles respectively for proceeding with the same, he may at any subsequent time give a fresh notice of his intention to erect such building or execute such work, and thereupon the provisions hereinbefore contained shall apply, as if such fresh notice were a first notice of such person's intention.

11. With respect to buildings which are to be newly erected on any site previously unbuilt upon the following provisions shall have effect:—

(*a.*) The foundation of any such building shall not be constructed on any site which has been filled up with or has been used as a place for depositing excrementitious matter or the carcases of dead animals or other filthy or offensive matter until such matter shall have been properly removed to the satisfaction of the Collector.

(*b.*) Every such building intended to be used as a dwelling shall be built with a plinth at least 1 foot above the centre of the nearest street and not below such standard level, as may be fixed by the Collector in this behalf.

(*c.*) No such building which abuts on a street of less width than 50 feet shall, without the written permission of the Collector, be built to a greater height than one and a-half times the width of the street it abuts on, *i.e.*, between the points at which such building approaches nearest to the street and the opposite side of such street, provided that nothing herein contained shall debar any person from building up to the full height of any building belonging to himself, which has stood within two years on the same site, and on which he has not been precluded from building by any injunction or order of a Court.

12. Every building intended to be used as dwelling shall be so constructed that the whole of at least one side of every room thereof shall either be an external wall or abut on an interior open space. Such external wall, except where it faces a street of not less than 15 feet in width, shall have between it and the boundary-line of the owner's premises an open space extending throughout the entire length of such wall at least 2 feet wide, or, in the case of a chawl or building intended to form a range of separate rooms for lodgers, at least 5 feet wide.

Such interior open space shall have an area equal to not less than one-tenth of the aggregate floor area of all the rooms abutting thereon, and shall not be in any direction less than 6 feet across. And every open space, whether exterior or interior, required by this Article shall be and be kept free from any erection thereon and open to the sky, and shall be and be kept open to access from each end thereof.

13. Every room intended to be inhabited in any such building, except a room in the roof thereof, shall be at least 10 feet in height from the floor to the ceiling. Every such room in the roof of any such building shall have an average height of at least 8 feet from the floor to the ceiling.

Every such room shall have a clean superficial area of not less than 100 square feet. Every such room shall be ventilated by means of doors and windows, which open directly into the external air, and have an aggregate opening equal to not less than one-fourth of the superficial area of the side of the room, which faces an open space.

14. Huts or sheds or ranges or blocks of huts or sheds, whether the same are to be used as dwellings or stores or for any other purpose, shall be built, if the Collector thinks fit so to require, so that they may stand in regular lines, with a free passage or way, in front of and between every two lines, of such width as the Collector thinks proper for ventilation and for facilitating scavenging safety against spread of fire, means of drainage and the general convenience of the public.

15. No external wall shall, except with the written permission of the Collector, consist of any temporary erection of wood, cloth, canvas, grass, leaves, mats or any other inflammable or unsightly material.

16. Every person who shall erect a new building shall, save as hereinafter provided, construct every external wall and party-wall, and also, if so required by the Collector, every cross-wall of bricks, stones or other hard and incombustible materials, properly bonded and solidly put together

(*a.*) With mortar compounded of lime and sand or udongo; or

(*b.*) With cement; or

(*c.*) With cement mixed with sand or other suitable material.

(The proportion of lime in the mortar to be at least 40 per cent, for two-storeyed, and 33 per cent. for a single-storeyed, house.)

17. Every person who shall erect a masonry walled building shall cause every wall of such building, which may be built at an angle with another wall, to be properly bonded.

18. Every person who shall erect a new building shall construct every wall of such building so as to rest upon proper footings to the satisfaction of the Collector.

He shall cause the projection at the widest part of the footings of every wall of each side of such wall to be at least equal to one-quarter of the thickness of such wall at its base, unless an adjoining wall interferes, in which case the projection may be omitted where that wall adjoins.

He shall cause the diminution of footings in regular offsets or in offset at the top of footings, and he shall cause the height from the bottom of the footings to the base of the wall to be at least equal to two-thirds of the thickness of the wall at its base.

Every person who shall erect any new building shall cause the footing of every wall and every post or posts of the ground floor of such building to rest on the solid ground or upon a sufficient thickness of concrete or upon some solid and sufficient substructure as a foundation.

Provided that where solid rock is met with at or near the surface at the site of such building, that is, within 3 feet of the level of the base of the wall, the footing may be omitted, if the surface of the rock be properly cleaned and stepped or jagged to receive the first course of masonry.

The depth of foundation of incompressible soil shall be at least one-fifth of the height of the wall above the ground level.

19. No masonry building shall be allowed to be built of more than two storeys, or be allowed to be carried to a greater height than 28 feet, except by special leave of the Collector and upon such terms as he may prescribe.

The height of the storeys shall be measured from the level of the upper surface of the floor to the underside of the tie of the roof or other covering, or, if there is no tie, then up to the level of half the vertical height of the rafters or other support of the roof.

The height of every storey other than a top storey shall be measured from the level of the upper surface of the floor of the storey up to the level of the upper surface of the floor of the storey next above it.

20. The height of a wall shall be measured from the top of the footings to the highest part of the wall, or, in case of a gable, to half the height of the gable.

Walls shall be deemed to be divided into distinct lengths by return walls. The length of a wall shall be measured from the centre of one return wall to the centre of another, provided that the return walls are external walls, party-walls, or cross-walls of the thickness prescribed by these Regulations.

A wall shall not, for the purpose of this rule, be deemed a cross-wall, unless it is carried up to the top of the topmost storey, and unless in each storey the aggregate extent of the vertical faces or elevation of all recesses and openings therein taken together shall not exceed one-half of the whole extent of the vertical face or elevation of the wall in such storey.

When the wall does not exceed 15 feet in height its minimum thickness shall be 18 inches for its whole length.

When the wall exceeds 15 feet but does not exceed 28 feet in height its minimum thickness shall be 2 feet.

21. The length of every wooden post used in the construction of buildings for supporting verandah roofs, &c., or bressummers, shall not exceed twenty times its least dimension, and all such wooden posts shall be fixed not more than 10 feet apart, measuring from centre to centre.

22. Every person who shall erect a new building, and who shall in the construction thereof employ iron posts, girders, joists, or other ironwork, for the support of any portion of such building, shall employ and erect such iron posts, girders, joists, and other ironwork as shall, in respect to quality and strength, be approved by the Collector in that behalf.

Beams and bressummers for terraced flooring on planks shall be fixed not more than 10 feet apart measured from centre to centre, and for each foot in length in the clear three-quarters of an inch in depth and half-an-inch in breadth.

Joists 1 foot apart shall be half-an-inch in depth and a quarter of an inch in breadth. Rafters one-third of an inch in depth and one-sixth of an inch in breadth for each foot span.

23. No person shall, without the written consent of the Collector, and upon such terms as he may prescribe, erect, set up, or place against or in front of any premises any structure or fixture which will overhang, jut, or project into, or in any way encroach upon, any street, or jut or project into, or encroach upon, any drain or open channel in any street, so as in any way to interfere with the use or proper working of such drain or channel, or to impede the inspection or cleansing thereof.

24. The Collector may, by written notice, require the owner or occupier of any premises to remove any structure or fixture which has been erected, set up, or placed against or in front of the said premises in contravention of these Regulations, or to alter the same in such manner as the Collector thinks fit to direct.

If the occupier of the said premises removes or alters any structure or fixture in accordance with such notice, he shall be entitled, unless the structure or fixture was erected, set up, or placed by himself to credit in account with the owner of the

premises, for all reasonable expenses incurred by him in complying with the said notice.

The Collector may give a written permission, on such terms as he shall in each case think fit, to the owner or occupier of any building abutting on any street, to erect an arcade over such street or any portion thereof, or to put up a verandah, balcony, sunshade, whether frame, or other such structure or thing projecting from any upper storey over any street or portion thereof.

25. Where any steps, barazas, verandahs, and other projections into any street have been erected, and may be in existence at the commencement of these Regulations, the following special provisions shall apply :—

(1.) The Collector may at any time remove any such projection, not being a step to an existing doorway, that may be within the general line of buildings in a street or within the line of a street if and when laid down by the Collector, but the Collector shall pay for the cost of such removal, unless the owner shall prefer to remove such projection at his own expense.

(2.) All existing steps to doorways that project as aforesaid shall be removed by the owner at his own expense within the period of five years from the commencement of these Regulations by and at the expense of the owner, unless allowed to remain with the written consent of the Collector, and upon such terms as he may prescribe, but the Collector may at any earlier time require the owner to remove such steps, provided that the Collector shall pay for the cost of such removal, and of any alterations to the doorway that such removal may entail.

26. The Collector may at any time, by written notice, require the owner of any premises on the ground floor of which any door, gate, bar, or window opens towards or upon a street, or upon any land required for the improvement of a street, in such manner as, in the opinion of the Collector, to obstruct the safe or convenient passage of the public along such street, to have the said door, gate, bar, or window altered so as not to open outwards.

27. No person shall, except with the written permission of the Collector, place or deposit upon any street, or upon any open channel, drain, or well in any street, any stall, chair, bench, box, ladder, bale, or other thing so as to form an obstruction thereto or encroachment thereon.

The Collector may, without notice, cause to be removed from any place any stall, chair, bench, box, ladder, bale, or other thing whatever placed in contravention of this Article.

28. No person shall erect a scaffold on a public street without permission of the Collector, and upon such terms and conditions as he may prescribe.

29. If it shall appear to the Collector necessary, for sanitary reasons, so to do, he may, by public notice, require the owners or occupiers of any building in the town, to cause the same, or any portion thereof, to be limewashed or otherwise cleansed, either externally or internally, or both externally and internally, at the expense of such owners or occupiers.

30. Owners of buildings shall limewash and otherwise cleanse the same at least once in every year to the satisfaction of the Collector.

31. Owners of all wells, tanks, and cisterns, shall cleanse the same once every year to the satisfaction of the Collector.

32. No person shall discharge rain-water or other liquid from the roof or any other part of a building, except by a pipe so fixed as to discharge such rain-water or other liquid at less than a foot and a-half above the level of any public street; and all roofs shall be properly provided with gutters so as to prevent the discharge of any rain-water or other liquid therefrom into a street.

33. Where any house or building appears to the Collector to be in a ruinous and dangerous condition, he may serve a notice on the owner requiring him forthwith to repair or remove the same. If the owner fails to comply with the notice for a period of one month, the Collector may cause the house or building to be removed, and may recover the expenses of such removal from the owner.

34. All sites within the town shall be kept level and clear of stones and rubbish.

35. No person shall dig any pit or other hole within the town for the purpose of obtaining earth.

36. These Regulations shall come into force forthwith in the Island of Mombasa, and in the other towns of the Protectorate on such dates respectively as the Commissioner may from time to time, in respect of each town by public notice,

appoint. The date on which these Regulations come into force in any town is herein referred to as the commencement of these Regulations.

37. The Regulations with respect to houses and buildings made by the Commissioner, and dated the 16th August, 1897, are hereby repealed.

38. The foregoing Regulations may be cited as "The Building Regulations, 1901."

(Signed) C. ELIOT,
His Majesty's Commissioner and Consul-General.

Mombasa, April 1, 1901.

Allowed:

(Signed) LANSDOWNE.
His Majesty's Principal Secretary of State for Foreign Affairs.

East Africa Protectorate. 1 Apr. 1901. TS Selected Foreign Office Files on Africa. The National Archives (Kew, United Kingdom). Nineteenth Century Collections Online. Web. 29 Apr. 2016.

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